

Notice of Allowability

Application No.

10/670,484

Examiner

Gregg Cantelmo

Applicant(s)

SASAKI ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/30/06.
2. ☒ The allowed claim(s) is/are 1 and 3-12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Gregg Cantelmo
Primary Examiner
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DETAILED ACTION

Response to Amendment

1. In response to the amendment received August 30, 2006:
 - a. Claims 1 and 3-12 are pending. Claim 2 has been cancelled as per Applicants request;
 - b. The 112 2nd paragraph rejections have been overcome in light of the amendment;
 - c. The 102 and 103 rejections are withdrawn in light of the amendment, applicant's remarks and further consideration of the prior art rejections of record.

Allowable Subject Matter

2. Claims 1 and 3-12 are allowed.
3. The following is an examiner's statement of reasons for allowance: none of the prior art of record are considered to reasonably teach, suggest or render obvious the secondary battery of claims 1 and 3-12.

Note that the transitional phrase "composed of" has been interpreted in the same manner as either "consisting of" or "consisting essentially of" as set forth in MPEP § 2111.03.

While Bruce discloses that Ceria-Zirconia complex oxides, such as $\text{Ce}_2\text{Zr}_2\text{O}_7$, have been studied as oxygen intercalating materials in rechargeable cells (page 206, 2nd paragraph as applied to claims 1-5), Bruce does not discuss the particular cell structure but is apparently drawn to solid-state devices (see page 205, 1st paragraph under introduction). Furthermore Bruce does not teach or reasonably suggest providing

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Ceria-Zirconia complex oxides in both of the electrodes of the cell. In this case, the insertion and elimination of oxygen ion or absorption and release of oxygen are performed on the positive electrode and negative electrode. Therefore, it can be made a secondary cell which performs the Rocking chair type charging and discharging by using oxygen or oxygen ion as movable ion.

None of the remaining prior art of record teach or reasonably suggest the instantly claimed secondary cell.

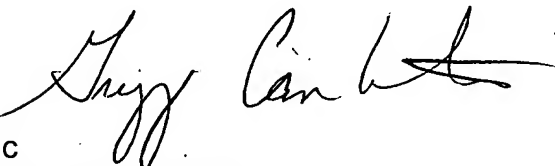
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregg Cantelmo whose telephone number is 571-272-1283. The examiner can normally be reached on Monday to Thursday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


gc
November 7, 2006

Gregg Cantelmo
Primary Examiner
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